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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 BARRY LAMON,

No. CIV S-03-0423-FCD-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 C.K. PLILER, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, appeals the
18 court's interlocutory order denying injunctive relief as moot. The matter was referred to the
19 undersigned by the Ninth Circuit Court of Appeals to certify whether the appeal is taken in good
20 faith. See 28 U.S.C. § 1915(a)(3). Having reviewed the entire file, the court concludes that the
21 appeal is not taken in good faith. The record reflects that plaintiff's requests for injunctive relief
22 were rendered moot by his transfer to a different prison. See Prieser v. Newkirk, 422 U.S. 395,
23 402-03 (1975); Johnson v. Moore, 948 F.3d 517, 519 (9th Cir. 1991) (per curiam).

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. This interlocutory appeal is not taken in good faith; and

3 2. The Clerk of the Court is directed to serve a copy of this order on the Pro
4 Se Unit at the Ninth Circuit Court of Appeals.

5 DATED:October 4, 2006

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7 /s/ Frank C. Damrell Jr.
8 FRANK C. DAMRELL JR.
9 United States District Judge
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